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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 KEVIN JAMES LISLE,

9 Petitioner,

2:03-cv-01005-JCM-CWH

10 vs.

ORDER

11 RENEE BAKER, *et al.*,

12 Respondents.
13 _____/

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15 This capital habeas corpus action was stayed on July 9, 2008 (ECF No. 131), pending the
16 petitioner's exhaustion of claims in state court. On June 20, 2016, the petitioner, Kevin James Lisle,
17 filed a motion to lift the stay (ECF No. 189). In that motion, Lisle states that the state-court
18 proceedings have concluded. On June 22, 2016, respondents filed a response to the motion to lift the
19 stay (ECF No. 190), stating that they do not oppose the motion. The court will grant Lisle's motion
20 to lift the stay, and will set a schedule for further litigation of this action.

21 **IT IS THEREFORE ORDERED** that petitioner's Motion to Vacate Stay and Reopen
22 Capital Habeas Proceedings (ECF No. 189) is **GRANTED**. The stay of this action is lifted.

23 **IT IS FURTHER ORDERED** that the following schedule shall govern the further litigation
24 of this action:

25 1. **Amended Petition.** If necessary, petitioner shall file and serve a third amended
26 petition for writ of habeas corpus within **60 days** after entry of this order. The third amended

1 petition shall specifically state whether each ground for relief has been exhausted in state court; for
2 each claim that has been exhausted in state court, the third amended petition shall state how, when,
3 and where that occurred. If petitioner determines that a third amended petition need not be filed,
4 then, within 60 days after entry of this order, petitioner shall file and serve a statement to that effect.

5 2. **Response to Petition.** Respondents shall have **60 days** following service of the third
6 amended petition to file and serve an answer or other response to the third amended petition. If
7 petitioner does not file a third amended petition, respondents shall have **60 days** following the due-
8 date for the third amended petition to file and serve an answer or other response to petitioner's
9 second amended petition.

10 3. **Reply and Response to Reply.** Petitioner shall have **45 days** following service of
11 an answer to file and serve a reply. Respondents shall thereafter have **30 days** following service of a
12 reply to file and serve a response to the reply.

13 4. **Briefing of Motion to Dismiss.** If respondents file a motion to dismiss, petitioner
14 shall have **60 days** following service of the motion to file and serve a response to the motion.
15 Respondents shall thereafter have **30 days** following service of the response to file and serve a reply.

16 5. **Discovery.** If petitioner wishes to move for leave to conduct discovery, petitioner
17 shall file and serve such motion concurrently with, but separate from, the response to respondents'
18 motion to dismiss or the reply to respondents' answer. Any motion for leave to conduct discovery
19 filed by petitioner before that time may be considered premature, and may be denied, without
20 prejudice, on that basis. Respondents shall file and serve a response to any such motion concurrently
21 with, but separate from, their reply in support of their motion to dismiss or their response to
22 petitioner's reply. Thereafter, petitioner shall have 20 days to file and serve a reply in support of the
23 motion for leave to conduct discovery.

24 6. **Evidentiary Hearing.** If petitioner wishes to request an evidentiary hearing,
25 petitioner shall file and serve a motion for an evidentiary hearing concurrently with, but separate
26 from, the response to respondents' motion to dismiss or the reply to respondents' answer. Any

1 motion for an evidentiary hearing filed by petitioner before that time may be considered premature,
2 and may be denied, without prejudice, on that basis. The motion for an evidentiary hearing must
3 specifically address why an evidentiary hearing is required, and must meet the requirements of
4 28 U.S.C. § 2254(e). The motion must state whether an evidentiary hearing was held in state court,
5 and, if so, state where the transcript is located in the record. If petitioner files a motion for an
6 evidentiary hearing, respondents shall file and serve a response to that motion concurrently with, but
7 separate from, their reply in support of their motion to dismiss or their response to petitioner's reply.
8 Thereafter, petitioner shall have 20 days to file and serve a reply in support of the motion for an
9 evidentiary hearing.

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11 Dated June 22, 2016.

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14 UNITED STATES DISTRICT JUDGE
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